

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARTHUR McELROY, )  
Plaintiff, ) 4:06CV3228  
v. ) ORDER  
LIZ WILLEY, JASON WARNER, and )  
KEVIN DIKS )  
Defendants. )

Pursuant to Fed. R. Civ. P. 55(c), and for good cause shown,

IT IS ORDERED that:

1. Defendant Kevin Diks' motion to set aside default (filing 44) is granted, and the entry of default by the clerk on September 11, 2007 (filing 42), is hereby set aside.<sup>1</sup>
2. Plaintiff's application for entry of default judgment (filing 43) is denied.

October 10, 2007.

BY THE COURT:

s/ Richard G. Kopf  
United States District Judge

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<sup>1</sup> Defendant states that the correct spelling of his name is Dix. He has filed a motion to dismiss (filing 45), claiming he was not properly served with summons. That motion is not yet ripe for determination.